

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

COURT
TEXAS

FILED

AUG 27 2002

CLERK, U.S. DISTRICT COURT

By _____ Deputy _____

[illegible]

**7-ELEVEN, INC.,
Defendant.**

RICT COURT

has further informed the undersigned counsel that the case might be dismissed, or might be pursued by Plaintiffs only in regard to the few stores listed in the original complaint.

b. Even if the parties pursue this case as a nationwide class action, intervention is not necessary to preserve the right of the P&A Objectors to litigate their ongoing objections, because after this Court's original order regarding intervention, the United States Supreme Court clarified the law in holding that unnamed class members who timely object to the approval of a class action settlement are considered parties to the suit, and have the power to bring an appeal without the need to intervene. *Devlin v. Scardelletti*, ___ U.S. ___, 122 S.Ct. 2005, 153 L.Ed.2d 27 (June 10, 2002).

4. The P&A Objectors therefore advise the Court that at this time they do not intend to intervene in this action. Instead, the P&A Objectors give notice of their intent to file future objections in this case, should the parties refile a proposed settlement agreement that contains substantially the same sorts of problems that were present in their last proposed settlement.

5. The P&A Objectors further reserve the right to ask this Court to take action to preserve its jurisdiction in this matter, should the parties be engaged in inappropriate forum shopping. In support of this concern, the undersigned would point out that the Plaintiffs apparently filed a class action complaint in the U.S. District Court for the Southern District of Florida regarding disability access issues at 7-Eleven stores. According to PACER, this new case is an ADA class action entitled *Association for Disabled Americans, Inc., Daniel Ruiz & Jorge Rodriguez, on their own behalf and on behalf of all other individuals similarly situated v. 7-Eleven, Inc.*, Case No. 02-CV-21465. Moreover, this class action was filed by Plaintiffs' counsel on May 15, 2002, one day after the entry (and fax service) of this Court's Order clarifying that it had disapproved the proposed class action consent decree in the instant case.

DATED this the 27th day of August, 2002.

Respectfully submitted,

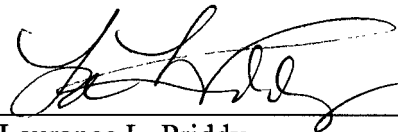
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CERTIFICATE OF SERVICE

I certify that on this 27th day of August, 2002, true and correct copies of this document were delivered via U.S. certified mail, return receipt requested, to attorney for Defendant David N. Kitner, Strasburger & Price, L.L.P., Suite 4300, 901 Main Street, Dallas, Texas 75202; attorney for Plaintiffs William N. Charouhis, William N. Charouhis & Associates, P.A., Alfred I. DuPont Building, 169 East Flagler Street, Suite 1200, Miami, Florida 33131; and attorneys for the Blindness Community Objectors, Linda M. Dardarian, Saperstein, Goldstein, Demchak & Baller, 300 Lakeside Dr., Ste. 1000, Oakland, CA 94612, and Elaine B. Feingold, 1524 Scenic Ave., Berkeley, CA 94708.



Laurance L. Priddy